



**U.S. Department of Justice**

Antitrust Division

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September 5, 2013

BY E-MAIL

The Honorable Denise L. Cote  
United States District Judge, S.D.N.Y.  
Daniel P. Moynihan U.S. Courthouse  
New York, NY 10007-1312

Re: United States v. Apple, Inc., et al., No. 12-cv-2826 (DLC)  
State of Texas v. Penguin Group (USA), Inc., No. 12-cv-3394 (DLC)

Dear Judge Cote:

Pursuant to the Court's instructions during the August 27, 2013 conference, attached as Exhibit A is a revised proposed injunction, the form of which has been agreed to by the parties. Apple reserves all of its appellate rights regarding this Court's July 10 Opinion and Order, and any judgment and injunction the Court may order. For the Court's convenience, attached as Exhibit B is a redline comparing this injunction to the injunction proposed by Plaintiffs on August 23. We thank the Court for its patience.

Respectfully Submitted,

/s/ Lawrence E. Buterman  
Lawrence E. Buterman